

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY GIAMONI ,

Plaintiff,

.. No. 14-cv-547-JLS

· The Honorable
· Henry S. Perkin
·
·

RICHARD SEEDS, et al.,

Defendants.

.. Jury Trial
Demanded

**DEFENDANTS MOTION TO ENFORCE ORDER OF
SETTLEMENT AND SUMMARY JUDGEMENT AND OR
MOTION TO STAY**

Now comes, Defendant Richard Seeds who is respectfully requesting from the court to enforce an order of settlement and automatic stay entered by the Bankruptcy Court case No. 16-10085 dated 07/20/16.

Defendant Seeds is respectfully asking the court to order that he be removed from all responsibilities in this case as indicated in the attached correspondence among parties.

Defendant Seeds is also asking the court for appropriate sanctions against Attorney Welsh and the firm representing Anthony Giamoni because they made and entered into an agreement/settlement. Defendant Seeds relied on the good faith of the Plaintiff and his counsel and now the Plaintiff and his counsel refuses to follow the settlement agreement and has proceeded in an action against me in a different court.

This action went against the settlement, the stay, and Hon. Judge Gardner's order that I was "hands off" due to the bankruptcy. The previous attorney's representing the plaintiff are in the same firm as Attorney Welsh.

The firm has received the letter from the insurance company denying this claim prior to the settlement that was reached over two years ago.

Plaintiffs had 27 months to pursue the insurance company and chose not to for that reason I am requesting summary judgment removing me from any/all responsibility to this case.


If the court denies my motion of request for enforcement of the settlement and summary judgement I respectfully ask the court to grant the Defendant's motion of an automatic stay under the federal bankruptcy protections of 11 U.S. Code 362 pertaining to Automatic Stays.

SUMMARY:

1. Plaintiff's attorney entered into agreement with Defendant Seeds.
2. Plaintiff's attorney violated the agreement with Defendant Seeds.
3. Plaintiff's attorney violated the STAY entered in bankruptcy court for protection of Defendant Seeds.
4. Plaintiff's attorney failed to proceed against the insurer in a timely manner.
5. Plaintiff's attorney had Insurance info sent to them on behalf of Defendant Seeds.
6. Plaintiff's attorney has access to county insurance records from day one which Defendant Constable Seeds is required to submit to the county on a yearly basis.
7. Plaintiff's attorney has a copy from Defendant Seeds insurer denying any right to claim in this matter.
8. Plaintiff's attorney failed to get approval to proceed against defendant from the Bankruptcy Judge and court.

Respectfully Submitted

By: _____



Richard Seeds, Defendant

3432 Spear Street, Bethlehem PA 18020

610.703.9458 ConstableBT@gmail.com

Date: November 26th, 2018

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the motion to enforce order of settlement agreement, motion for summary judgement and motion for stay were served upon the following parties via First Class Mail, postage prepaid:

Joseph E. Welsh, Esq.

701 Washington Street, Easton PA 18042

Defendant Fred Schoenenberger

3432 Spear Street Bethlehem PA 18020



Richard Seeds, Defendant

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Richard John Seeds <p style="text-align: center;">Debtor</p>	: : : : : : :	 NO. 16-10085 Chapter 13
--	---------------------------------	--

**STIPULATION OF SETTLEMENT TO RESOLVE
DEBTOR'S MOTION TO IMPOSE AUTOMATIC STAY PURSUANT TO §362(c)(3)**

WHEREAS, on March 31, 2016, Debtor filed a Motion to Impose Automatic Stay as to Anthony Giamoni. A hearing was scheduled April 28, 2016.

WHEREAS, A response to said Motion was filed on behalf of Anthony Giamoni on April 26, 2016. Said hearing was continued until May 19, 2016, at which time it was cancelled for the reason a stipulation was to be filed within thirty (30) days.

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed by and between counsel for Movant, by and through his attorney, Everett Cook, Esquire, and the Respondent, by and through his counsel, Stephen G. Bresset, Esquire, as follows:

1. Respondent may pursue the insurance company and not Debtor/Movant for any and all claims.
2. Debtor/Movant will participate with all parties as to the insurance claim.
3. Should Respondent decide to pursue Debtor/Movant individually, Respondent shall return to Bankruptcy Court for approval. Respondent shall have a

reasonable time to return to Bankruptcy Court and request the right to go after Debtor/Movant.

4. That in the even it becomes necessary during the pendency of this proceeding to seek a determination of dischargeability no defense of timeliness will be raised by the Debtor.

Dated: 7/19/16

Signed: ISI Everett Cook

By: Everett Cook, Esq.
The Law Offices of Everett Cook, P.C.
2309 MacArthur Road
Whitehall, PA, 18052
Bar I.D. #202039
Phone: (610) 351-3566
Fax: (610) 351-3556

Dated: 7/19/16

Signed: ISI Stephen G. Bresset

By: Stephen G. Bresset, Esquire
Bresset & Santora, LLC
ID #22624
606 Church St.
Honesdale PA 18431
570 253 5953

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Richard John Seeds

Debtor

:
: NO. 16-10085

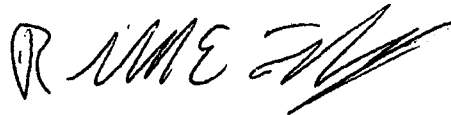
:
: Chapter 13

:
:

ORDER

AND NOW, it is hereby ORDERED that the Stipulation of Settlement to Resolve Debtor's Motion to Impose Automatic Stay Pursuant to Section 362(c)(3) is hereby approved, shall be, and is hereby made an Order of this Court.

Date: July 26, 2016



United States Bankruptcy Judge

Everett Cook, Esq.
The Law Offices of Everett Cook, P.C.
2309 MacArthur Road
Whitehall, PA, 18052

Stephen G. Bresset, Esquire
Bresset & Santora, LLC
606 Church St.
Honesdale PA 18431